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Attorneys for Defendants
Principal Life Insurance Company
Target Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DON BORG,

Plaintiff,

v.

PRINCIPAL LIFE INSURANCE COMPANY,
TARGET CORPORATION,

Defendants.

Case No. C-05-05295-HRL

**STIPULATION AND
[PROPOSED] ORDER TO
RESCHEDULE SUMMARY
JUDGMENT HEARING DATE**

WHEREAS, under the current Scheduling Order in this action, the last day to hear non-discovery motions, including motions for summary judgment, is November 28, 2006;

WHEREAS, Plaintiffs' counsel will be out of the country from November 24, 2006 to December 4, 2006;

WHEREAS, defense counsel is getting married on October 28, 2006 and will be out of the country from October 29, 2006 to November 10, 2006, and will therefore be unavailable during the time to brief opposition and reply papers;

1 WHEREAS, the parties have been engaged in ongoing settlement discussions and are
2 hopeful that this case can be resolved prior to the Court hearing any motions for summary
3 judgment;

4 NOW, THEREFORE, the parties, by and through their respective counsel of record,
5 hereby request that the last day to hear non-discovery motions, currently set for November 28,
6 2006, be rescheduled to December 19, 2006.

7
8 Respectfully Submitted,

9 Dated: October 17, 2006

10 LAW OFFICES OF STANLEY G. HILTON

11
12 By: /s/Stanley G. Hilton
13 Stanley G. Hilton
14 *Attorney for Plaintiffs*

15 Dated: October 17, 2006

16 MORRISON & FOERSTER LLP

17 By: /s/Geoffrey Graber
18 Geoffrey Graber
19 *Attorneys for Defendants*
20 PRINCIPAL LIFE INSURANCE CO., and
21 TARGET CORPORATION

22 I, Geoffrey Graber, am the ECF User whose ID and password are being used to file this
23 Stipulation and [Proposed] Order to Reschedule Summary Judgment Hearing Date. In
24 compliance with General Order 45, X.B., I hereby attest that Stanley G. Hilton has concurred in
25 this filing.

26 Dated: October 17, 2006.

27 MORRISON & FOERSTER LLP

28 By: /s/ Geoffrey Graber

ORDER

For good cause shown, and upon stipulation of the parties, the last day to hear dispositive motions in this matter, currently set for November 28, 2006, is hereby rescheduled to December 19, 2006.

IT IS SO ORDERED.

Dated: 10/23 _____, 2006



The Honorable Howard R. Lloyd
United States Magistrate Judge